

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
LAFAYETTE DIVISION

LAFAYETTE VENETIAN BLIND, INC.)	
)	
Plaintiff,)	Case No. 4:20-cv-00021-PPS-JEM
)	
vs.)	
)	
)	
BLINDS TO GO (U.S.), INC. and BLINDS TO)	
GO, INC.,)	
)	
Defendants.)	
)	

PLAINTIFF’S SUPPLEMENTAL NOTICE OF AUTHORITY AND DISCOVERY

Plaintiff, Lafayette Venetian Blind, Inc. (“LVB”), by counsel, in reference to Defendants’ discovery motion and accompanying briefs in support and reply (DE 44, 45 and 48), Defendants’ Northern District of Indiana Local Rule 37-1 Certification (DE 46), Defendants’ Notice of Partial Withdrawal of Requested Relief (DE 50), and Plaintiff’s Notice of Defendants’ L.R. 37-1 Noncompliance and Request for Award of Expenses (DE 52), respectfully provides the following supplemental notice to the Court.

1. Plaintiff LVB recently learned of *Litsinger v. Forest River, Inc.*, No. 3:18-CV-613 DRL-MGG, 2021 U.S. Dist. LEXIS 83190 (N.D. Ind. Apr. 30, 2021), which states: “Contention-based document requests or interrogatories disguised as actual contention-based document requests would not be appropriate in light of work product protections.” *Id.* at n. 9.

2. On August 25, 2021, Plaintiff LVB served Plaintiff’s Supplemented Rule 26(a)(1) Disclosures, attached hereto as **Exhibit A**. Section III of those Disclosures states Plaintiff’s damage claims, which are consistent with documents that are attached to Plaintiff’s Amended

Complaint or have been exchanged pursuant to Rule 34. To date, the parties have exchanged more than eighteen hundred records.

3. Defendant Blinds to Go (U.S.), Inc. has refused to produce records for sales referenced in the disgorgement and counterfeit-sale damage claims stated in the Disclosures. *See **Exhibit B***. Those withheld records are responsive to requests listed in Defendants' Brief in Support of Motion to Compel (DE 45) and are also necessary for third-party subpoenas for testimony and additional records responsive to those requests. *See* DE 45 at p. 8 (Defendants seek "documents concerning any 'actual confusion' among relevant consumers . . . as to the source of . . . Defendants' 'Allure' sheer window coverings"). Meet-and-confer between the undersigned and Defendants' counsel regarding **Exhibit B** is underway.

Date: September 9, 2021

Respectfully Submitted,

/s/ William P. Kealey
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